

REMARKS

Claims 1, 4-7 and 9-15 are pending in this application. By this Amendment, claims 1, 4, 5, 7, 12 and 13 are amended and claims 2, 3 and 16-18 are canceled without prejudice to or disclaimer of the subject matter found therein. Specifically, claims 1 and 12 are amended to incorporate the subject matter of original claims 2 and 3, and claims 4, 5, 7 and 13 are amended to properly depend from claims 1 and 12, respectively. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments incorporate the subject matter of dependent claims into independent claims; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Rejections of the Claims

The Office Action rejects claims 1, 2, 4-7, 9 and 11-15 under 35 U.S.C. §102(e) over Sejkora, U.S. Patent No. 6,639,350; rejects claim 3 under 35 U.S.C. §103(a) over Sejkora in view of Ichikawa, U.S. Patent No. 6,906,452; and rejects claim 10 under 35 U.S.C. §103(a) over Sejkora in view of Furukawa et al. (Furukawa), JP 08-321381. The rejections of canceled claims 2 and 3 are moot. The rejections of claims 1, 4-7 and 9-15 are respectfully traversed.

The Office Action acknowledges that Sejkora does not disclose recesses filled with gas or substantially evacuated, as recited in original claim 3. As discussed above, claims 1 and 12 incorporate the subject matter of original claim 3. Although the Office Action alleges that Ichikawa discloses the subject matter of original claim 3, Ichikawa is not prior art against this application. Applicants' claimed foreign priority is to Japanese Patent Application No.

2002-326909 (JP 909), filed November 11, 2002. Ichikawa was filed March 24, 2003. The publication of Ichikawa's priority document occurred on October 3, 2003.

The Office Action requires that a translation of Applicants' priority document be made of record in order to overcome Ichikawa. The attached English-language specification is an accurate translation of JP 909, and supports the claims of this application. Thus, Ichikawa is not prior art under any provision of 35 U.S.C. §102 or §103 and cannot be used to reject claims 1 and 12.

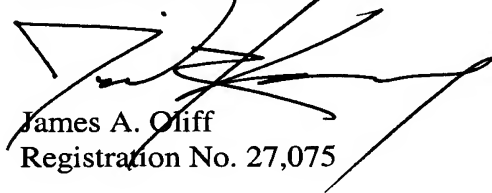
Furukawa, like Sejkora, also fails to disclose or suggest recesses filled with gas or substantially evacuated. Thus, claims 1 and 12 are patentable over the above references, either individually or in combination. Because claims 4-7, 9-11 and 13-15 incorporate the features of claim 1, these claims also are patentable over the above references. Thus, it is respectfully requested that the rejections be withdrawn.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4-7 and 9-15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

David R. Kemeny
Registration No. 57,241

JAO:DRK/kxs

Attachments:

Petition for Extension of Time
Accurate Translation of Japanese Patent Application No. 2002-326909

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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